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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91197754
Party	Plaintiff Wolf-Peter Graeser
Correspondence Address	SARAH E TALLENT REINHARDT LLP 44 WALL STREET, 10TH FLOOR NEW YORK, NY 10005 UNITED STATES stallent@reinhardt-law.com
Submission	Opposition/Response to Motion
Filer's Name	Sarah E. Tallent, Esq.
Filer's e-mail	stallent@reinhardt-law.com
Signature	/Sarah/Tallent/
Date	08/02/2011
Attachments	08.02.11_Response to Motion to Compel.pdf (19 pages)(518235 bytes)

THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In the matter of trademark application Serial No.: 76701998

For the mark: LAVATEC
Published in the Official Gazette on November 2, 2010

Mr. Wolf-Peter Graeser, the "Opposer",	)	
v.	)	Opposition No.: 91197754
Lavatec, Inc. the "Applicant"	)	

OPPOSER'S RESPONSE TO APPLICANT'S MOTION TO COMPEL AND ORDER FOR ADMISSIONS

Opposer responds to Applicant Lavatec, Inc.'s Motion to Compel and Order for Admissions, stating the following:

1. The Initial Disclosure served by Applicant on Opposer was deficient, therefore, pursuant to 37 CFR § 2.120(a)(3), Applicant is not entitled to seek discovery through traditional devices until after it has served more detailed initial disclosures (See Amazon Technologies, Inc. v. Jeffrey S. Max, 93 USPQ2d 1702 (TTAB 2009)).

2. Opposer has filed a Motion to Compel Initial Disclosure and for a Protective Order on the date even herewith (Exhibit 1).

3. Opposer's counsel had hoped that the procedural technicalities of the discovery process could be handled through good faith negotiations between the parties' counsel and as a matter of professional courtesy. For this reason, Opposer's counsel initially refrained from filing Opposer's Motion to Compel and would have been prepared

to allow Applicant's attorneys to cure Applicant's deficient Initial Disclosure. All that would have been needed was a few extra days for both parties' counsel to resolve simple procedural issues.

4. On July 14, 2011, Atty. Tallent for Opposer requested of Atty. Linderman for Applicant a 30-day extension of time to respond to the discovery requests due to the large volume of documents that are currently being gathered by Opposer, the fact that the documents are located overseas and that the discovery requests require Opposer to analyze an archive of documents that date back to 1986, which Opposer is not familiar with since he recently acquired the business in question.

5. Atty. Linderman first indicated that the requested extension would be acceptable, then stated that he would have to check with his client.

6. Atty. Linderman then contacted Atty. Tallent by email on July 14, 2011 (Exhibit 2), stating that that the extension would be granted only if Opposer agreed to refrain from making further allegedly "disparaging statements" about Applicant.

7. After investigating this matter with Opposer, Atty. Tallent informed Atty. Linderman by email dated July 18, 2011 (Exhibit 3), that Opposer's position was that Opposer is the registered owner of the [LAVATEC] Mark in Europe and that [the] current opposition proceeding will not be concluded until some time next year. Atty. Tallent further explained that she did not see how this position could be objectionable since Opposer's position contains no disparaging statement and simply states the truth. On the basis of the foregoing, Atty. Tallent concluded that Atty. Linderman's condition was superseded and presented no bar to the granting of the requested 30-day extension.

8. Unlike what Atty. Linderman contends in paragraph 4 of Applicant's Motion, Atty. Tallent never indicated that Opposer would continue making false and disparaging remarks regarding Applicant. This is simply false.

9. Additionally, the condition which Atty. Linderman tried to impose (i.e., that the extension would be granted if Opposer refrained from making allegedly disparaging statements) was unreasonable. The extension was requested by Opposer's counsel (rather than by Opposer) to allow Opposer's counsel to examine the large volume of

data that Opposer was gathering (which exceeds 1,000 pages as of the date hereof). The condition being imposed by Atty. Linderman was completely beyond the control of Opposer's counsel who, therefore, would have been unable to satisfy such condition anyway. Atty. Linderman's condition was also questionable since it was based upon unsubstantiated and uncorroborated allegations (of which Opposer's counsel received not evidence), the disparaging nature of which would be highly subjective.

10. It should also be noted that long before the incident described in Applicant's Motion, Opposer (through its counsel) had already objected to Applicant's disparagement of Opposer and his affiliates on several occasions and a cease and desist notice was event sent to Applicant's counsel on March 30, 2011. Upon information and belief, Applicant's disparagement of Opposer continues. Notwithstanding the foregoing, Opposer's counsel has not sought to use leverage upon non-procedural issues to gain an inappropriate advantage in procedural matters. On the contrary, Atty. Tallent urged Applicant's Atty. Linderman to focus on the matter rather than the parties' bickering.

11. Atty. Linderman then responded by email dated July 18, 2011 (Exhibit 4), setting forth examples of alleged disparaging and false remarks as well as false and misleading statements and advertising. He also referenced a letter and advertisement, which, however, he failed to attach to the email. A review of the Atty. Linderman's email reveals a set of statements that are not per se disparaging, are uncorroborated as to content and maker, and contain erroneous facts and arguments. The email appears to be no more than Applicant's tirade against Opposer that has no bearing on the Opposition proceedings, let alone the discovery phase.

12. Since no disparaging statements were identified or identifiable, Opposer's counsel deemed that Atty. Linderman's condition to the extension was moot and relied upon the agreed 30-day extension, per Atty. Linderman's previous communications.

13. Atty. Linderman then suddenly and unexpectedly claimed in an email dated July 25, 2011 (Exhibit 5), that Opposer's discovery response date had passed.

14. Atty. Tallent then responded by email dated July 25, 2011 (Exhibit 6) stating that in her view the alleged disparagement was a non-issue (since there was no

evidence suggesting that Opposer made any disparaging statement) and that, therefore, Opposer would proceed with discovery as previously agreed by Atty. Linderman, i.e., by August 19, 2011.

15. At this point Atty. Linderman became imposing and by email dated July 25, 2011 (Exhibit 7), reneged on his previous agreement to grant a 30-day extension.

16. Atty. Fiocchi replied via email on July 25, 2011, pointing out that a July 29, 2011 (Exhibit 8), was unreasonable and was, therefore, rejected, meaning that the original 30-day extension would apply.

17. Atty. Tallent informed Atty. Linderman that Opposer was continuing to work on preparing responses to Applicant's discovery requests. As a matter of fact, Opposer and Opposer's counsel have diligently continued to work on gathering the necessary information and documents to prepare Opposer's response to Applicants' discovery requests. As of the date hereof, Opposer's counsel has already received more than 1,000 pages of documents that need to be examined by Opposer's counsel and many more are expected in the next few days. Opposer's counsel simply asked for a 30-day extension given the large amount of information and documents that Applicant's discovery request involves. We believe that a 60-day period in the aggregate is a very reasonable amount of time to prepare responses given the amount of documents and information involved.

18. Atty. Linderman claims in the Motion that Opposer has been inactive in prosecuting this case, however, this is incorrect. Opposer served Applicant with a comprehensive set of discovery requests on July 29, 2011.

19. Atty. Linderman complains in the Motion that Opposer has requested substantial extensions of time, however, Opposer has only requested a 60-day extension of the Scheduling Order, which is extremely reasonable given that Opposer and all documents and records are located overseas.

20. Atty. Linderman complains in the Motion that Opposer did not provide him with a copy of a certain sale agreement that he requested during the initial attorneys conference. It should be noted that Opposer's counsel was waiting for a partial English

translation of the document that was not received until after Applicant served its discovery requests, therefore, Opposer considered it more prudent to provide all requested documents at once.

21. Atty. Linderman's allegation in the Motion that Opposer's alleged withholding of the document casts doubt upon the validity of Opposer's claim is entirely false and without merit. On the contrary, Applicant's deficient Initial Disclosure and simplistic disclosure requests suggest that Applicant's case is weak at best.

22. Atty. Linderman alleges in the Motion that Opposer has disparaged Applicant, however, Applicant has provided no proof to substantiate these allegations.

23. It should be noted that Opposer and Applicant have entertained settlement negotiations since Applicant's discovery requests were served, a fact of which Atty. Tallent made Atty. Linderman aware but that Atty. Linderman appears to ignore.

24. Atty. Linderman alleges that Applicant had valid grounds for refusing a 30-day extension. Opposer denies this. Applicant granted a 30-day extension conditioned upon Opposer ceasing to disparage Applicant. Opposer informed Applicant that there was no such disparagement, therefore, the condition was moot and the extension should be deemed granted. This is especially true in light of Atty. Linderman's conduct, which led Opposer's counsel to rely on the extension originally granted, and in light of the fact that Atty. Linderman's condition was unreasonable, subjective and beyond the control of Opposer's counsel.

25. Applicant claims that Opposer stated that it would continue to disparage Applicant, which is false. Applicant has provided absolutely no proof of any disparagement by Opposer and to attempt to condition a procedural request on a completely subjective matter is inappropriate and this motion is retaliatory in nature.

RELIEF REQUESTED

As noted above, discovery in this case is not a straightforward domestic discovery process before the Board since it involves parties and records located overseas and located

in old archives dating back to 1986. Opposer has never refused to respond to Applicant's discovery requests. On the contrary, Opposer is working diligently to move the case forward through the discovery process, and progress is being made, despite Applicant's defective Initial Disclosures that do not entitle Applicant to seek discovery at this time.

For the reasons contained herein, Opposer respectfully requests that the Board deny Applicant's Motion to Compel and Order for Admissions in its entirety and that an extension of the time to respond be granted to Opposer taking into account the large amount of data involved and that Opposer is located overseas.

Dated: New York, New York

August 2, 2011

Respectfully submitted.

/s/ Andrea Fiocchi
Andrea Fiocchi, Esq.
Sarah E. Tallent, Esq.
44 Wall Street, 10th Fl
New York, NY 10005
(212) 710-0970

Attorneys for Opposer,
Wolf-Peter Graeser

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Motion to Compel Initial Disclosure for Protective Order was served on Applicant at the correspondence address of record by email addressed to:

lind@ip-lawyers.com

On August 2, 2011

By: /s/ Sarah E. Tallent

THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In the matter of trademark application Serial No.: 76701998

For the mark: LAVATEC
Published in the Official Gazette on November 2, 2010

Mr. Wolf-Peter Graeser, the "Opposer", v. Lavatec, Inc. the "Applicant"	)	Opposition No.: 91197754

MOTION TO COMPEL INITIAL DISCLOSURE AND FOR PROTECTIVE ORDER

Opposer requests the Board to issue an Order compelling the Applicant to serve more detailed Initial Disclosures and a Protective Order declaring that Opposer shall not be required to respond to Applicants' First and Second Set of Interrogatories to Opposer (Exhibits 1 and 2) and Applicant's First Set of Document Request to Opposer (Exhibit 3) and Applicant's First Set of Requests for Admission (Exhibit 4), pursuant to Fed. R. Civ. P. 26(a)(1) and 37 C.F.R. §2.120. In support of this motion, Opposer shows the Board as follows:

1. On May 17, 2011, Lavatec, Inc., the then Applicant served its Initial Disclosure (Exhibit 5) to Opposer by electronic transmission. Electronic transmission had previously been agreed to by the parties.

2. Applicant's Initial Disclosure is deficient since it lacks the required level of specificity.

EXHIBIT 1

3. Prior to the date hereof, Opposer notified Atty. Linderman in at least two separate written communications (Exhibits 6 and 7) that Opposer's Initial Disclosure was deficient. Opposer's counsel made a good faith attempt to resolve this along with other simple procedural discovery issues. Opposer was prepared to be flexible in order to avoid unnecessary over-lawyering in this matter and would have gladly allowed Applicant an extension of time to cure the above-mentioned deficiency.

4. Rather than cooperating, Applicant chose to file an unnecessary and retaliatory Motion to Compel disclosure by Opposer, completely ignoring the fact that Applicant's deficient Initial Disclosures make Applicant ineligible to seek discovery through traditional devices.

5. The Board "*requires more specificity than the exceedingly general categories of documents respondent disclosed, as the Rule specifically requires that the parties disclose documents relating to their respective claims or defenses*" and *"initial disclosures must reflect [a party's] plans for defending the action at trial"* (See In-N-Out Burger, Inc. v. BB&R Spirits Ltd. (T.T.A.B. July 21, 2008)).

6. Applicant's Initial Disclosure is limited to extremely generic categories of documents and does not comply with the requirements of the Board under Fed. R. Civ. P. 26(a)(1).

7. In addition, Applicant's Initial Disclosure fails to provide the location of any of the Documents and Things listed in the Initial Disclosure and, therefore, does not comply with the requirements of the Board under Fed. R. Civ. P. 26(a)(1).

8. Under 37 CFR § 2.120(a)(3), a party may not seek discovery through traditional devices until after it has made its initial disclosures (See Amazon Technologies, Inc. v. Jeffrey S. Max, 93 USPQ2d 1702 (TTAB 2009)). In this case, Applicant's Initial Disclosure is deficient and, therefore, cannot be deemed to have been made. Consequently, Opposer cannot be required to respond to Applicants First

and Second Sets of Interrogatories and First Set of Document Requests and Applicant's First Set of Requests for Admission.

RELIEF REQUESTED

In view of Applicant's deficient Initial Disclosure, Opposer seeks an order compelling Applicant to serve more detailed Initial Disclosures. Opposer also seeks a protective order declaring that Opposer is not required to respond to Applicants First and Second Sets of Interrogatories and First Set of Document Requests and Applicant's First Set of Requests for Admission until 30-days after Applicant has served Initial Disclosures that comply with Fed. R. Civ. P. 26(a)(1).

Dated: New York, New York

August 2, 2011

Respectfully submitted.

/s/ Andrea Fiocchi
Andrea Fiocchi, Esq.
Sarah E. Tallent, Esq.
44 Wall Street, 10th Fl
New York, NY 10005
(212) 710-0970

Attorneys for Opposer,
Wolf-Peter Graeser

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Motion to Compel Initial Disclosure for Protective Order was served on Applicant at the correspondence address of record by email addressed to:

lind@ip-lawyers.com

On August 2, 2011 By: /s/ Sarah E. Tallent

John C. Linderman Thursday, July 14, 2011 3:53 PM

Subject: LAVATEC Opposition
Date: Thursday, July 14, 2011 3:53 PM
From: John C. Linderman <lind@ip-lawyers.com>
To: Sarah Tallent stallent@reinhardt-law.com

Sarah:

I left a voice message on your phone a half hour ago that we would agree to an extension of time to August 19, 2011 for you to respond to our discovery requests, provided that Mr. Graeser stops broadcasting that he is the owner of the LAVATEC mark in the US and that Lavatec Inc. will disappear from the marketplace for laundry equipment.

The extensions that we have agreed to in the past have been used by Mr. Graeser to disparage and undermine Lavatec, Inc. while the opposition is effectively stalled. If you want extensions, then stop disparaging Lavatec's position.

Please let me have a confirmation.

John C. Linderman
+==========+
Intellectual Property Law
Patents, Trademarks, Copyrights,
Computer Law, Trade Secrets,
Technology Transfer
+==========+
McCormick, Paulding & Huber
CityPlace II
185 Asylum Street
Hartford, Connecticut 06103
Phone: 860.549.5290 Ext. 1004
Fax: 860.527.0464

lind@ip-lawyers.com

Please visit our WEB SITE: http://www.ip-Lawyers.com
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EXHIBIT 2

Sarah E. Tallent

From: Sarah E. Tallent [stallent@reinhardt-law.com]
Sent: Monday, July 18, 2011 12:12 PM
To: 'John Linderman'
Cc: 'Andrea Fiocchi'
Subject: RE: LAVATEC Opposition

Dear John:

We spoke with our client who denies your client's allegations below.

His position is that he is the registered owner of the Mark in Europe and that current opposition proceeding will not be concluded until some time next year. I cannot see how this position can be objectionable.

Regards,

Sarah

Sarah E. Tallent
Attorney at Law

Reinhardt LLP
44 Wall Street - 10th Fl.
New York, NY 10005

Ph: (212) 710-0970
Fax: (212) 710-0971
Email: stallent@reinhardt-law.com

New York ♦ Denver ♦ Stuttgart

EXHIBIT 3

Subject: Re: LAVATEC Opposition
Date: Monday, July 18, 2011 1:15 PM
From: John C. Linderman <lind@ip-lawyers.com>
To: Sarah Tallent stallent@reinhardt-law.com
Cc: Andrea Fiocchi afiocchi@reinhardt-law.com

Sarah:

Here are several examples of disparaging and false remarks from Mr. Graeser that we want stopped.

Recently at the trade show CLEAN SHOW 2011, Mr. Graeser was telling customers that they should not be doing business with Lavatec, Inc. because Lavatec, Inc. would be out of business in 6 weeks. The 6-week reference was obviously based on the scheduled bankruptcy sale which he knows will result in the continuation of the Lavatec business in the US market under new ownership with whom he seeks a business relationship. So while on the one hand he curries favor with the new owners, on the other hand he is attempting to scuttle the business rollover.

I also attach a letter dated 20th April 2011 in which Graeser falsely asserts to customers that Lavatec Laundry Technology Inc. is the legitimate successor to Lavatec GmbH when in fact he acquired no assets of the US subsidiary, Lavatec, Inc., and he knew that Lavatec, Inc. is an active US company.

The letter goes on to state that Lavatec, Inc. "has no access to original spare parts for Lavatec machinery", when in fact Lavatec, Inc. has a huge inventory of original spare parts, has access to still more parts, and still manufactures its own folders and washer extractors.

The letter is also attempts to pass Lavatec Laundry Technology off as the "traditional Lavatec" that has been in business "since 1986" when in fact it is a Lavatec, Inc. that is the original Lavatec and has served US customers since 1986. This statement is a deliberate attempt to trade upon the goodwill and reputation of Lavatec, Inc. and create confusion among customers in the industry.

I also attach a recent advertisement by Lavatec Laundry Technology that appeared prior to the CLEAN SHOW 2011 in American Laundry News, a North American trade publication. In the ad this time Lavatec Laundry Technology falsely claims to be "the legitimate successor to the previous Lavatec GmbH worldwide", when Graeser acquired no interest in the active US subsidiary Lavatec, Inc. LLT also makes the false and misleading claim to be "the original", again attempting to pass itself off as Lavatec, Inc. Then again LLT falsely states that it "offers full service and maintenance for all Lavatec products since 1986 (founding of the company)",

and is "the only company offering the complete line of spare parts", when Lavatec, Inc. also has spare parts and LLT has no access to folders or spare parts for the folders.

These are a few examples of Mr. Graeser's false and misleading statements and advertising that must stop. I look forward to hearing from you after you have touched base with your client.

John C. Linderman
+==========+
Intellectual Property Law
Patents, Trademarks, Copyrights,
Computer Law, Trade Secrets,
Technology Transfer
+==========+
McCormick, Paulding & Huber
CityPlace II
185 Asylum Street
Hartford, Connecticut 06103
Phone: 860.549.5290 Ext. 1004
Fax: 860.527.0464

lind@ip-lawyers.com

Please visit our WEB SITE: http://www.ip-Lawyers.com

John C. Linderman

Monday, August 1, 2011 3:34 PM

Subject: LAVATEC Opposition
Date: Monday, July 25, 2011 4:00 PM
From: John C. Linderman <lind@ip-lawyers.com>
To: Sarah Tallent stallent@reinhardt-law.com

Dear Sarah:

Your discovery response date has passed and we received nothing as either responses or confirmation that Mr. Graeser's misrepresentations and falsehoods have stopped. In fact he just recently sent a baseless and harrassing demand letter to a Lavatec, Inc. employee.

Unless I hear from you by July 29, 2011 we will seek a motion to compel.

John C. Linderman
+==========+
Intellectual Property Law
Patents, Trademarks, Copyrights,
Computer Law, Trade Secrets,
Technology Transfer
+==========+
McCormick, Paulding & Huber
CityPlace II
185 Asylum Street
Hartford, Connecticut 06103
Phone: 860.549.5290 Ext. 1004
Fax: 860.527.0464

lind@ip-lawyers.com

Please visit our WEB SITE: http://www.ip-Lawyers.com

EXHIBIT 5

Subject: RE: LAVATEC Opposition
Date: Monday, July 25, 2011 4:09 PM
From: Sarah Tallent <stallent@reinhardt-law.com>
To: John C. Linderman lind@ip-lawyers.com
Cc: Andrea Fiocchi afiocchi@reinhardt-law.com

Dear Mr. Linderman:

I was not able to review the materials referred to since they were not attached to the email.

I do, however, note the following:

(i) our client has no knowledge that the business of Lavatec, Inc. will be continued in the U.S., since this information is not contained in any public document and we're not even sure that this is the case,

(ii) our client has not claimed that Lavatec Laundry Technology, Inc. is the successor of Lavatec, Inc.; you are confusing Lavatec, Inc. with Lavatec GmbH, and

(iii) our client is not attempting to pass itself off as Lavatec, Inc., instead it is merely continuing its existing Lavatec business. On the contrary, your client keeps confusing the market by claiming to be the "real Lavatec" when they neither manufacture nor own the Lavatec trademark.

I believe that most of the allegations contained in your email relate to the heart of the dispute between the parties and the pending opposition proceeding, therefore, they should be dealt with within the context thereof.

We will proceed with discovery as previously agreed. You should expect our client's comprehensive discovery requests shortly.

Finally, as regards your threat of filing a motion to compel, please be reminded that you agreed to an extension and we acted accordingly. If you wish to file a motion we'll gladly respond and file our own concerning your insufficient initial disclosures, that clearly lack the required specificity. We could have filed this motion previously, however, had hoped we could avoid over-lawyering on procedural issues

You now seek to confuse the issues of the Opposition Proceeding with other baseless grievances that your client appears to have. I'd suggest we focus on the proceeding at hand.

Very truly yours,

Sarah

EXHIBIT 6

Subject: Re: LAVATEC Opposition
Date: Monday, July 25, 2011 5:21 PM
From: John C. Linderman <lind@ip-lawyers.com>
To: Sarah Tallent stallent@reinhardt-law.com
Cc: Andrea Fiocchi afiocchi@reinhardt-law.com

Sarah:

Your reply below does not merit a detailed response here and now. However, I must briefly respond to two of your statements.

If you really needed the documents, you didn't bother to ask for them.

I did not agree to an extension without conditions, the conditions being that Mr. Graeser must refrain from his false and misleading statements and activities. Refer to my email of July 14, 2011 that you questioned and my detailed reply on July 18, 2011. You rejected the conditions. Hence no extension was agreed to. Under the present circumstances I will agree to an extension to Friday July 29, 2011.

John C. Linderman

From: Sarah Tallent <stallent@reinhardt-law.com>
Date: Mon, 25 Jul 2011 16:09:57 -0400
To: "John C. Linderman" <lind@ip-lawyers.com>
Cc: Andrea Fiocchi <afiocchi@reinhardt-law.com>
Subject: RE: LAVATEC Opposition

Dear Mr. Linderman:

I was not able to review the materials referred to since they were not attached to the email.

I do, however, note the following:

(i) our client has no knowledge that the business of Lavatec, Inc. will be continued in the U.S., since this information is not contained in any public document and we're not even sure that this is the case,

(ii) our client has not claimed that Lavatec Laundry Technology, Inc. is the successor of Lavatec, Inc.; you are confusing Lavatec, Inc. with Lavatec GmbH, and

(iii) our client is not attempting to pass itself off as Lavatec, Inc., instead it is merely continuing its existing Lavatec business. On the contrary, your client keeps confusing the market by claiming to be the "real Lavatec" when they neither manufacture nor own the Lavatec

John C. Linderman Monday, July 25, 2011 5:39 PM

Subject: RE: LAVATEC Opposition
Date: Monday, July 25, 2011 5:31 PM
From: Andrea Fiocchi <afiocchi@reinhardt-law.com>
To: John C. Linderman lind@ip-lawyers.com, Sarah Tallent stallent@reinhardt-law.com

Mr. Linderman:

Your client's allegations are preposterous (our client has a long list of similar allegations against your client) and your "condition" is mere lawyer's bickering. Your extension to July 29th is hereby rejected as unreasonable under the circumstances, including, without limitation, the lack of specificity of your original requests.

Feel free to file motions. We will respond in kind.

AF

Andrea Fiocchi

Attorney at Law

Reinhardt LLP

44 Wall Street - 10th Fl.

New York, NY 10005

Ph: (212) 710-0970

Fax: (212) 710-0971

Email: afiocchi@reinhardt-law.com

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EXHIBIT 8